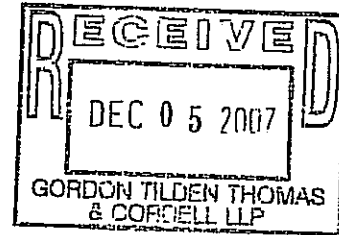


EXHIBIT B

The Honorable Marsha J. Pechman



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DIANNE L. KELLEY and KENNETH
HANSEN,

Plaintiffs,

v.

MICROSOFT CORPORATION, a Washington
Corporation,

Defendant.

No. C07-0475 MJP

PUTATIVE CLASS ACTION

MICROSOFT'S OBJECTIONS
AND RESPONSES TO
PLAINTIFFS' SECOND SET OF
REQUESTS FOR ADMISSION

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, Defendant Microsoft Corporation hereby responds to Plaintiffs' Second Set of Requests for Admission as follows:

GENERAL OBJECTIONS

1. **Limitations on Discovery.** This case is currently an individual action being brought by two individuals, and the parties have agreed to bifurcate discovery in this case such that discovery related to whether a class should be certified shall occur before any discovery going to the merits of the case will commence. Unless and until the case is certified as a class action (which Microsoft believes it should not be), discovery will be confined to

Microsoft's Objections and Responses to Plaintiffs'
Second Set of Requests for Admission
(C07-0475 MJP) — 1

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Davis Wright Tremaine LLP
LAW OFFICES
Suite 2200 • 1701 Third Avenue
Seattle, Washington 98101-3045
(206) 622-3150 • Fax: (206) 757-7700

ORIGINAL

RESPONSE:

Microsoft admits this request.

123. Understanding “features” as that term is used by Microsoft on its website at www.microsoft.com/windows/products/windowsvista/editions/choose.mspx (copy attached hereto), Windows Vista Starter and Vista Home Basic have more Vista features in common than Vista Home Basic has in common with Vista Home Premium.

RESPONSE:

Microsoft can neither admit nor deny this request because Plaintiffs still have not defined what they mean by the phrase “Vista features.” Plaintiffs’ reference to the use of the term “features” in the chart on Microsoft’s Web site that compares the various editions of Windows Vista does not enable Microsoft to admit or deny this request because that chart uses the term “features” to identify and categorize broad types of functions within the operating system—such as “**Most secure Windows ever** with Windows Defender and Windows Firewall,” “**Quickly find what you need** with Instant Search and Windows Internet Explorer 7” and “**Best choice for laptops** with Windows Mobility Center and Tablet PC support”—without using the phrase “Vista features” (except, on a different Web page, in a generic sense) and without purporting to categorize different functions of the operating system in a comprehensive way. Because there is no one meaning of what constitutes a “Vista feature,” because the dictionary does not define that phrase, and because the use of the word “features” in the chart on Microsoft’s Web site does not provide such a meaning, Microsoft cannot tally and compare undefined “Vista features” that different Windows Vista editions offered in the way that Plaintiffs envision for purposes of this request.

1 Microsoft further objects on the ground that this request does not seek information that
2 may be relevant to class certification because Windows Vista Starter is not distributed in
3 developed countries, including the United States, and its characteristics and "features"
4 therefore have no bearing on whether the Court should certify a class of United States
5 residents who purchased PCs to which OEMs had affixed a "Windows Vista Capable" sticker
6 but which were not designated as "Premium Ready."

7
8 RESPONSES dated this 5th day of December, 2007

9
10 DAVIS WRIGHT TREMAINE LLP

11 By 

12 Stephen M. Rummage, WSBA #11168
13 Cassandra Kinkead, WSBA #22845
Charles S. Wright, WSBA #31940

14 *Of counsel:*

15 Charles B. Casper
16 Patrick T. Ryan
17 Montgomery, McCracken,
Walker & Rhoads, LLP
18 123 S. Broad Street
Philadelphia, PA 19109
(215) 772-1500

19 Attorneys for Defendant
20
21
22
23
24
25
26
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CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2007, I caused a copy of the foregoing document to be delivered via legal messenger to the following:

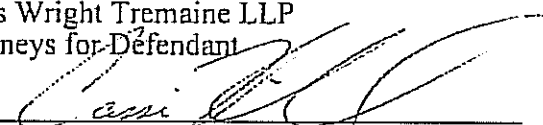
Jeffrey Tilden
Gordon Tilden Thomas & Cordell
1001 Fourth Ave., Suite 4000
Seattle, WA 98154

William Smart
Keller Rohrbach
1201 Third Ave., Suite 3200
Seattle, WA 98101

DATED this 5th day of December, 2007.

Davis Wright Tremaine LLP
Attorneys for Defendant

By


Cassandra L. Kinkead, WSBA #22845
Davis Wright Tremaine LLP
1201 Third Avenue, Suite 2200
Seattle, WA 98101-3045
Telephone: (206) 757-8078
Fax: (206) 757-7700
E-mail: cassandrakinkead@dwt.com